



1 **"SECTION 1477r.** 49.67 (3) (am) 2. b. of the statutes is amended to read:

2 49.67 (3) (am) 2. b. If the applicant is under ~~27~~ 26 years of age, notice that he
3 or she may be eligible for coverage as a dependent under his or her parent's health
4 care plan in accordance with s. 632.885, and that his or her parent's plan must
5 include coverage for services that are not covered under the plan under this section."

6 ***b0862/1.1*697.** Page 673, line 5: delete lines 5 to 17.

7 ***b1053/2.56*698.** Page 673, line 18: delete the material beginning with that
8 line and ending with page 686, line 19, and substitute:

9 **"SECTION 1486m.** 49.78 (1) (br) of the statutes is created to read:

10 49.78 (1) (br) "Multicounty consortium" means a group of counties that is
11 approved by the department under sub. (1m) to administer income maintenance
12 programs.

13 **SECTION 1487m.** 49.78 (1m) of the statutes is created to read:

14 49.78 (1m) MULTICOUNTY CONSORTIA. (a) Except as provided in par. (c), each
15 county with a population of less than 750,000 shall participate in a multicounty
16 consortium that is approved by the department under par. (b).

17 (b) By October 31, 2011, the department shall approve multicounty consortia.
18 The department may not approve more than 10 multicounty consortia.

****NOTE: Are the consortia approved by the department on October 31, 2011,
intended to be permanent? This draft does not currently address how consortia may be
reorganized in the future.

19 (c) If a county with a population of less than 750,000 does not participate in a
20 multicounty consortium or the department determines that a multicounty
21 consortium does not satisfy the department's performance requirements, the
22 department shall assume responsibility for administering income maintenance
23 programs in that county or in the geographical area of the multicounty consortium.

1 The department may provide income maintenance program administration under
2 this paragraph by contracting with another multicounty consortium or by providing
3 the administrative services with state resources and employees.

4 (d) If the department assumes responsibility for administering income
5 maintenance programs in a county or in the geographical area of the multicounty
6 consortium under par. (c), any county for which the department administers income
7 maintenance programs shall pay to the department the amount that the county
8 expended for the administration of income maintenance programs in calendar year
9 2009. For the purposes of this paragraph, Kenosha County expended \$673,000 for
10 the administration of income maintenance programs in calendar year 2009.

****NOTE: Should the moneys paid to the department from counties under par. (d)
be allocated to an appropriation?

11 **SECTION 1488m.** 49.78 (1r) of the statutes is created to read:

12 49.78 (1r) SINGLE COUNTY CONSORTIA. The department shall administer income
13 maintenance programs in a county with a population of 750,000 or more as a
14 single-county consortium, including the administrative functions specified in sub.
15 (2) (b) 1.

16 **SECTION 1489m.** 49.78 (2) (title) of the statutes is amended to read:

17 49.78 (2) (title) CONTRACTS WITH MULTICOUNTY CONSORTIA.

18 **SECTION 1490m.** 49.78 (2) of the statutes is renumbered 49.78 (2) (a) and
19 amended to read:

20 49.78 (2) (a) Annually, ~~for the income maintenance program functions, if any,~~
21 ~~that the department delegates to a county or tribal governing body beginning with~~
22 contracts for 2012, the department and county department under s. 46.215, 46.22,
23 ~~or 46.23 shall enter into a contract, and the department and tribal governing body~~

1 ~~may enter into a contract, for reimbursement of the county department or tribal~~
2 ~~governing body for the reasonable cost of administering with each multicounty~~
3 ~~consortium to administer income maintenance programs in the multicounty~~
4 ~~consortium's geographical area.~~

5 **SECTION 1491m.** 49.78 (2) (b) of the statutes is created to read:

6 49.78 (2) (b) A contract under par. (a) shall provide all of the following:

7 1. That the multicounty consortia shall be responsible for all of the following
8 administrative functions related to income maintenance programs:

9 a. Operating and maintaining a call center.

10 b. Conducting application processing and eligibility determinations.

11 c. Conducting ongoing case management.

12 d. Providing lobby services.

13 2. That the department and multicounty consortia shall cooperate to provide
14 the following administrative functions related to the income maintenance programs:

15 a. Conducting subrogation and benefit recovery efforts.

16 b. Participating in fair hearings.

17 c. Conducting fraud prevention and identification activities.

18 3. That the department will reimburse a multicounty consortium for services
19 provided under the contract on a risk-adjusted case load basis.

20 **SECTION 1492m.** 49.78 (2m) of the statutes is created to read:

21 49.78 (2m) ADMINISTRATION BY A TRIBAL GOVERNING BODY. (a) A tribal governing
22 body may administer income maintenance programs by electing to have the
23 department administer the tribe's income maintenance programs or by providing the
24 required administrative services and entering into a contract with the department
25 for reimbursement under par. (b).

1 (b) Annually, for the income maintenance administrative program functions,
2 if any, that the department delegates to a tribal governing body, the department and
3 tribal governing body may enter into a contract, for reimbursement of the tribal
4 governing body for the reasonable cost of administering income maintenance
5 programs.

6 (c) The amount of each reimbursement paid under a contract entered into par.
7 (b) shall be calculated using a formula based on workload within the limits of state
8 and federal funds. The department may adjust reimbursement amounts determined
9 under the contract for workload changes and computer network activities performed
10 by a tribal governing body.

****NOTE: The motion did not address tribal governing bodies. Therefore, I have
retained current law for tribal governing bodies that contract with the state to administer
IM programs. Please let me know if this is inconsistent with the intent of the motion.

11 **SECTION 1493m.** 49.78 (2r) of the statutes is created to read:

12 49.78 (2r) DEPARTMENTAL ADMINISTRATIVE FUNCTIONS. The department shall
13 perform all of the following administrative functions related to income maintenance
14 programs:

- 15 (a) Providing income maintenance worker training.
- 16 (b) Performing 2nd-party reviews.
- 17 (c) Administering the funeral expenses program under s. 49.785.
- 18 (d) Providing information technology and licenses for call centers that are
19 operated by multicounty consortia.
- 20 (e) Maintaining the client assistance reemployment and economic support
21 system.
- 22 (f) Contracting with multicounty consortia under sub. (2), including
23 establishing performance requirements.

1 (g) Contracting with tribal governing bodies under sub. (2m), including
2 establishing performance requirements.

3 (h) Monitoring contracts with multicounty consortia and tribal governing
4 bodies, including compliance with performance standards and federal and other
5 reporting requirements.

6 (i) Operating a centralized document processing unit.

7 **SECTION 1494m.** 49.78 (8) (a) of the statutes is amended to read:

8 49.78 (8) (a) From the ~~appropriation accounts~~ appropriations under s. 20.435
9 (4) (bn) and (nn) and subject to par. (b), the department shall provide funding to
10 reimburse each county multicounty consortium that contracts with the department
11 under sub. (2) and each tribal governing body that contracts with the department
12 under sub. (2) (2m) for ~~reasonable~~ the costs of administering the income maintenance
13 programs, including conducting fraud prevention activities. ~~The amount of each~~
14 ~~reimbursement paid under this paragraph shall be calculated using a formula based~~
15 ~~on workload within the limits of available state and federal funds under s. 20.435 (4)~~
16 ~~(bn) and (nn) by contract under sub. (2), in accordance with the terms of the~~
17 applicable contract. The amount of reimbursement calculated under this paragraph
18 and par. (b) is in addition to any reimbursement provided to a county, multicounty
19 consortium, or tribal governing body for fraud and error reduction under s. 49.197
20 or 49.845.

21 **SECTION 1495m.** 49.78 (8) (b) of the statutes is amended to read:

22 49.78 (8) (b) The department ~~may adjust the amounts determined under par.~~
23 ~~(a) for workload changes and computer network activities performed by a county or~~
24 ~~tribal governing body and may reduce the amount of any reimbursement if federal~~

1 reimbursement is withheld due to audits, quality control samples, or program
2 reviews.

3 **SECTION 1496m.** 49.78 (10) (title) of the statutes is amended to read:

4 49.78 (10) (title) ~~COUNTY~~ REIMBURSEMENT CERTIFICATION.

5 **SECTION 1497m.** 49.78 (10) (a) of the statutes is amended to read:

6 49.78 (10) (a) ~~Each county treasurer and director of a county department under~~
7 ~~s. 46.215, 46.22, or 46.23~~ An authorized representative from each multicounty
8 consortium that contracts with the department under sub. (2) and each tribal
9 governing body that contracts with the department under sub. (2) ~~(2)~~ (2m) shall certify
10 monthly under oath to the department in such manner as the department prescribes
11 the claim of the ~~county~~ multicounty consortium or tribal governing body for state
12 reimbursement under sub. (8) (a). The department shall review each claim of
13 reimbursement and, if the department approves the claim, the department shall
14 certify to the department of administration for reimbursement to the ~~county~~
15 multicounty consortium or tribal governing body for amounts due under sub. (8) (a)
16 and payment claimed to be made to the ~~counties~~ multicounty consortia or tribal
17 governing bodies monthly. The department may make advance payments prior to
18 the beginning of each month equal to one-twelfth of the contracted amount.

19 **SECTION 1498m.** 49.78 (10) (b) of the statutes is amended to read:

20 49.78 (10) (b) To facilitate prompt reimbursement the certificate of the
21 department may be based on the certified statements of the ~~county officers~~
22 authorized representatives of multicounty consortia or tribal governing body
23 executives filed under par. (a). Funds recovered from audit adjustments from a prior
24 fiscal year may be included in subsequent certifications only to pay counties or
25 multicounty consortia owed funds as a result of any audit adjustment. By September

1 30 annually, the department shall submit a report to the appropriate standing
2 committees under s. 13.172 (3) on funds recovered and paid out during the previous
3 calendar year as a result of audit adjustments.

4 **SECTION 1499m.** 49.78 (11) (a) of the statutes is amended to read:

5 49.78 (11) (a) 1. The department, a county department under s. 46.215, 46.22,
6 or 46.23, a multicounty consortium, or a tribal governing body may request from any
7 person in this state information it determines appropriate and necessary for
8 determining or verifying eligibility or benefits for a recipient under any income
9 maintenance program. Unless access to the information is prohibited or restricted
10 by law, or unless the person has good cause, as determined by the department in
11 accordance with federal law and regulations, for refusing to cooperate, the person
12 shall make a good faith effort to provide the information within 7 days after receiving
13 a request under this paragraph. The department, county department, multicounty
14 consortium, or tribal governing body, or employees of any of them, may not disclose
15 information obtained under this subdivision for any purpose not connected with the
16 administration of the income maintenance program for which the information was
17 requested.

18 2. In conjunction with any request for information under subd. 1., including a
19 request made by subpoena under par. (b), the department, county department,
20 multicounty consortium, or tribal governing body shall advise the person of the time
21 by which the information must be provided.

22 **SECTION 1500m.** 49.78 (11) (b) of the statutes is amended to read:

23 49.78 (11) (b) The department, a county department, a multicounty
24 consortium, or a tribal governing body may issue a subpoena, in substantially the
25 form authorized under s. 885.02, to compel the production of financial information

1 or other documentary evidence for determining or verifying eligibility or benefits for
2 a recipient under any income maintenance program.

3 **SECTION 1501m.** 49.78 (11) (c) 1. of the statutes is amended to read:

4 49.78 (11) (c) 1. Allowing access to financial or other records by the department,
5 a county department, a multicounty consortium, or a tribal governing body in
6 response to a request under par. (a) or a subpoena described in par. (b).

7 **SECTION 1502m.** 49.78 (11) (c) 2. of the statutes is amended to read:

8 49.78 (11) (c) 2. Disclosing information from financial or other records to the
9 department, a county department, a multicounty consortium, or a tribal governing
10 body in response to a request under par. (a) or a subpoena described in par. (b).

11 **SECTION 1503m.** 49.78 (11) (c) 3. of the statutes is amended to read:

12 49.78 (11) (c) 3. Any other action taken in good faith to comply with this
13 subsection or a subpoena described in par. (b) or to comply with a request for
14 information or access to records from the department, a county department, a
15 multicounty consortium, or a tribal governing body for determining or verifying
16 eligibility or benefits for a recipient under any income maintenance program.

17 **SECTION 1504m.** 49.785 (2) of the statutes is amended to read:

18 49.785 (2) From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department
19 shall reimburse a county or applicable tribal governing body or organization for any
20 amount that the county or applicable tribal governing body or organization is
21 required to pay under sub. (1) if the county or applicable tribal governing body or
22 organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~
23 (br), the department shall reimburse a county or applicable tribal governing body or
24 organization for cemetery expenses or for funeral and burial expenses for a person
25 described under sub. (1) that the county or applicable tribal governing body or

1 organization is not required to pay under subs. (1) and (1m) only if the department
2 approves the reimbursement due to unusual circumstances and if the county or
3 applicable tribal governing body or organization complies with sub. (3).

~~***NOTE: Section 49.785 currently allows the department or a county to administer various aspects of the funeral expenses program. Section 49.78 (2n), as created by the act, requires the department to provide administration of this program which makes the references to counties superfluous but not contradictory. Therefore, I have not amended the majority of that section. Please let me know if you would prefer that county be removed from section 49.785.~~

4 **SECTION 1505m.** 49.79 (1) (e) of the statutes is created to read:

5 49.79 (1) (e) "Multicounty consortium" has the meaning given in s. 49.78 (1)

6 (br).

7 **SECTION 1506m.** 49.79 (3) of the statutes is amended to read:

8 49.79 (3) LIABILITY FOR LOST FOOD COUPONS. (a) A county, multicounty
9 consortium, or federally recognized American Indian tribe is liable for all food stamp
10 coupons lost, misappropriated, or destroyed while under the county's, consortium's,
11 or tribe's direct control, except as provided in par. (b).

12 (b) A county, multicounty consortium, or federally recognized American Indian
13 tribe is not liable for food stamp coupons lost in natural disasters if it provides
14 evidence acceptable to the department that the coupons were destroyed and not
15 redeemed.

16 (c) A county, multicounty consortium, or federally recognized American Indian
17 tribe is liable for food stamp coupons mailed to residents of the county or counties
18 that are in the multicounty consortium or members of the tribe and lost in the mail
19 due to incorrect information submitted to the department by the county or tribe.

20 **SECTION 1507m.** 49.79 (4) of the statutes is amended to read:

21 49.79 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The
22 department shall withhold the value of food stamp losses for which a county,

1 multicounty consortium, or federally recognized American Indian tribe is liable
2 under sub. (3) from the payment to the county, multicounty consortium, or tribe
3 under income maintenance contracts under s. 49.78 and reimburse the federal
4 government from the funds withheld.”.

5 ***b1053/2.57*699.** Page 687, line 3: delete the material beginning with that
6 line and ending with page 707, line 13, and substitute:

7 “**SECTION 1535m.** 49.79 (9) (a) 1. of the statutes is amended to read:

8 49.79 (9) (a) 1. The department shall administer an employment and training
9 program for recipients under the food stamp program and may contract ~~under s.~~
10 ~~49.78~~ with county departments under ss. 46.215, 46.22, and 46.23, multicounty
11 consortia, and with tribal governing bodies to carry out the administrative functions.
12 The department may contract, or a county department, multicounty consortium, or
13 tribal governing body may subcontract, with a Wisconsin Works agency or another
14 provider to administer the employment and training program under this subsection.
15 Except as provided in subds. 2. and 3., the department may require able individuals
16 who are 18 to 60 years of age who are not participants in a Wisconsin Works
17 employment position to participate in the employment and training program under
18 this subsection.


~~***NOTE: is this consistent with the intent of the motion?~~

19 **SECTION 1536g.** 49.793 (1) of the statutes is amended to read:

20 49.793 (1) The department or a county ~~or~~, a multicounty consortium, as defined
21 in s. 49.78 (1) (br), or an elected governing body of a federally recognized American
22 Indian tribe or band acting on behalf of the department, may recover overpayments
23 that arise from an overissuance of food coupons under the food stamp program

1 administered under s. 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall be made in
2 accordance with 7 USC 2022.

3 **SECTION 1536m.** 49.793 (2) (a) of the statutes is amended to read:

4 49.793 (2) (a) Except as provided in par. (b), a county, multicounty consortium,
5 as defined in s. 49.78 (1) (br), or governing body of a federally recognized American
6 Indian tribe may retain a portion of the amount of an overpayment the state is
7 authorized to retain under 7 USC 2025 that is recovered under sub. (1) due to the
8 efforts of an employee or officer of the county, multicounty consortium, or tribe. The
9 department shall promulgate a rule establishing the portion of the amount of the
10 overpayment that the county, multicounty consortium, or governing body may
11 retain. This paragraph does not apply to recovery of an overpayment that was made
12 as a result of state, county, multicounty consortium, or tribal governing body error.

13 **SECTION 1537m.** 49.795 (1) (cm) of the statutes is created to read:

14 49.795 (1) (cm) "Multicounty consortium" has the meaning given in s. 49.78 (1)
15 (br).

16 **SECTION 1538m.** 49.795 (1) (e) 1. of the statutes is amended to read:

17 49.795 (1) (e) 1. An employee or officer of the federal government, the state, a
18 county, a multicounty consortium, or a federally recognized American Indian tribe
19 acting in the course of official duties in connection with the food stamp program.

20 **SECTION 1539m.** 49.795 (1) (e) 2. of the statutes is amended to read:

21 49.795 (1) (e) 2. A person acting in the course of duties under a contract with
22 the federal government, the state, a county, a multicounty consortium, or a federally
23 recognized American Indian tribe in connection with the food stamp program.

24 **SECTION 1540m.** 49.795 (8) (d) 2. of the statutes is amended to read:

1 49.795 (8) (d) 2. The person may apply to the ~~county department under s.~~
2 46.215, 46.22 or 46.23 multicounty consortium or the federally recognized American
3 Indian tribal governing body or, if the person is a supplier, to the federal department
4 of agriculture for reinstatement following the period of suspension, if the suspension
5 is not permanent.

6 **SECTION 1541m.** 49.797 (8) of the statutes is amended to read:

7 49.797 (8) COUNTY PARTICIPATION; EXCEPTION. The department may not require
8 a ~~county~~ multicounty consortium, as defined in s. 49.78 (1) (br), or tribal governing
9 body to participate in an electronic benefit transfer system under this section if the
10 costs to the ~~county~~ multicounty consortium or tribal governing body would be greater
11 than the costs that the ~~county~~ multicounty consortium or tribal governing body
12 would incur in delivering the benefits through a system that is not an electronic
13 benefit transfer system.

14 **SECTION 1544m.** 49.825 (2) (d) 1. of the statutes is renumbered 49.825 (2) (d)
15 and amended to read:

16 49.825 (2) (d) The department shall reimburse the county for all approved,
17 allowable costs ~~that exceed the amounts specified in subd. 2. and~~ that are incurred
18 by the county under a contract with the department for the operation of the public
19 assistance programs under par. (a) in the county.

****NOTE: I did not delete income maintenance from the functions that the Milwaukee Unit performs under the assumption that the department will continue to use MILES to administer IM programs in Milwaukee County. If this is incorrect please let me know and I will repeal s. 49.825 (1) (c) and (2) (a) 1.

20 **SECTION 1545m.** 49.825 (2) (d) 2. of the statutes is repealed.

21 **SECTION 1545n.** 49.825 (3) (a) of the statutes is amended to read:

22 49.825 (3) (a) Supervisory personnel in the unit shall be state employees.
23 Nonsupervisory staff performing services under this section for the unit may be a

1 combination of state employees and employees of Milwaukee County. ~~For the~~
2 ~~performance of services under this section for the unit, the county shall maintain no~~
3 ~~fewer represented authorized full-time employee positions than the number of~~
4 ~~represented full-time employee positions that were authorized on February 1, 2009,~~
5 ~~for performance of the same types of services.~~

6 **SECTION 1545p.** 49.825 (4) (intro.) of the statutes is amended to read:

7 49.825 (4) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO STATE
8 EMPLOYEE POSITIONS IN THE UNIT BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (TITLE)
9 [LRB INSERTS DATE]. (intro.) All of the following shall apply to an employee who
10 is appointed to a state employee position in the unit after May 29, 2009, and before
11 the effective date of this subsection [LRB inserts date], and who, immediately
12 prior to his or her appointment, was a county employee:

13 **SECTION 1545r.** 49.825 (4) (e) of the statutes is created to read:

14 49.825 (4) (e) Notwithstanding par. (c), beginning on the effective date of this
15 paragraph [LRB inserts date], an employee who has opted under par. (c) to remain
16 a participating employee in the retirement system established under chapter 201,
17 laws of 1937, shall remain a participating employee in the retirement system until
18 the employee has vested in all retirement contributions paid by, or on behalf of, the
19 employee. When the employee becomes vested in all of the contributions paid by, or
20 on behalf of, the employee in the retirement system established under chapter 201,
21 laws of 1937, the employee may no longer be a participating employee in that
22 retirement system and shall immediately become a participating employee in the
23 Wisconsin retirement system.

24 **SECTION 1545t.** 49.825 (5) of the statutes is created to read:

1 **49.825 (5)** TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO STATE
2 EMPLOYEE POSITIONS IN THE UNIT ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
3 (TITLE) [LRB INSERTS DATE]. (intro.) All of the following shall apply to an employee
4 who is appointed to a state employee position in the unit on or after the effective date
5 of this subsection [LRB inserts date], and who, immediately prior to his or her
6 appointment, was a county employee performing services for the unit:

7 (a) The employee shall serve any applicable probationary period under s.
8 230.28, but shall have his or her seniority with the state computed by treating the
9 employee's total service with the county as state service.

10 (b) Annual leave for the employee shall accrue at the rate provided in s. 230.35
11 using the employee's state service computed under par. (a).

12 (c) 1. The employee shall remain a participating employee in the retirement
13 system established under chapter 201, laws of 1937, until the employee becomes
14 vested in all of the contributions paid by, or on behalf of, the employee in the
15 retirement system. When the employee becomes vested in all of the contributions
16 paid by, or on behalf of, the employee in the retirement system established under
17 chapter 201, laws of 1937, the employee may no longer be a participating employee
18 in that retirement system and shall immediately become a participating employee
19 in the Wisconsin retirement system.

20 2. The secretary shall pay, on behalf of the employee, all required employer
21 contributions under the retirement system established under chapter 201, laws of
22 1937.

23 (d) The employee shall have his or her sick leave accrued with the state
24 computed by treating the employee's unused balance of sick leave accrued with the
25 county as sick leave accrued in state service, but not to exceed the amount of sick

1 leave the employee would have accrued in state service for the same period, if the
2 employee is able to provide adequate documentation in accounting for sick leave used
3 during the accrual period with the county. Sick leave that transfers under this
4 paragraph is not subject to a right of conversion, under s. 40.05 (4) or otherwise, upon
5 death or termination of creditable service for payment of health insurance benefits
6 on behalf of the employee or the employee's dependents.

7 (e) The employee shall not be subject to s. 40.23 (2m) (er) and (3) (b).

8 **SECTION 1555m.** 49.847 (1) of the statutes is amended to read:

9 49.847 (1) Subject to ss. 49.497 (1) and 49.793 (1), the department of health
10 services, or a county, multicounty consortium, as defined in s. 49.78 (1) (br), or elected
11 governing body of a federally recognized American Indian tribe or band acting on
12 behalf of the department, may recover benefits incorrectly paid under any of the
13 programs administered by the department under this chapter.

14 **SECTION 1556m.** 49.847 (2) of the statutes is amended to read:

15 49.847 (2) The department, county, multicounty consortium, as defined in s.
16 49.78 (1) (br), or elected governing body may recover an overpayment from a family
17 or individual who continues to receive benefits under any program administered by
18 the department under this chapter by reducing the family's or individual's benefit
19 amount. Subject to s. 49.793 (1), the department may by rule specify other methods
20 for recovering incorrectly paid benefits.”.

21 ***b1053/2.58*700.** Page 712, line 9: delete the material beginning with that
22 line and ending with page 713, line 11.

23 ***b1008/P2.12*701.** Page 713, line 14: delete “234.5608” and substitute
24 “16.308”.

1 ***b1053/2.59*702.** Page 714, line 20: delete lines 20 to 25.

2 ***b1053/2.60*703.** Page 715, line 1: delete lines 1 to 3.

3 ***b1053/2.61*704.** Page 715, line 16: delete lines 16 to 20.

4 ***b0739/2.179*705.** Page 717, line 8: delete lines 8 to 15.

5 ***b1049/1.1*706.** Page 717, line 16: after that line insert:

6 **"SECTION 1663p.** 51.20 (5) of the statutes is amended to read:

7 51.20 (5) HEARING REQUIREMENTS. The hearings which are required to be held
8 under this chapter shall conform to the essentials of due process and fair treatment
9 including the right to an open hearing, the right to request a closed hearing, the right
10 to counsel, the right to present and cross-examine witnesses, the right to remain
11 silent and the right to a jury trial if requested under sub. (11). The parent or guardian
12 of a minor who is the subject of a hearing shall have the right to participate in the
13 hearing and to be represented by counsel. All proceedings under this chapter shall
14 be reported as provided in SCR 71.01. The court may determine to hold a hearing
15 under this section at the institution at which the individual is detained, whether or
16 not located in the same county as the court with which the petition was filed, unless
17 the individual or his or her attorney objects. The court may determine whether the
18 individual attends the hearing in person by videoconferencing, as defined in s. 885.52
19 (3)."

20 ***b1008/P2.13*707.** Page 717, line 24: delete "234.5608" and substitute
21 "16.308".

22 ***b0935/P1.1*708.** Page 719, line 4: after that line insert:

23 **"SECTION 1667g.** 51.61 (1) (o) of the statutes is amended to read:

1 51.61 (1) (o) Except as otherwise provided, have a right not to be filmed or
2 taped, unless the patient signs an informed and voluntary consent that specifically
3 authorizes a named individual or group to film or tape the patient for a particular
4 purpose or project during a specified time period. The patient may specify in the
5 consent periods during which, or situations in which, the patient may not be filmed
6 or taped. If a patient is adjudicated incompetent, the consent shall be granted on
7 behalf of the patient by the patient's guardian. A patient in Goodland Hall at the
8 Mendota Mental Health Institute, ~~or a patient detained or committed under ch. 980~~
9 ~~and placed in a facility specified under s. 980.065, or a patient who is in the legal~~
10 ~~custody of or under the supervision of the department of corrections,~~ may be subject
11 to video surveillance or filmed or taped ~~for security purposes~~ without the patient's
12 consent, except that such a patient may not be filmed in patient bedrooms or
13 bathrooms without the patient's consent unless the patient is engaged in dangerous
14 or disruptive behavior. A treatment activity involving a patient committed or
15 detained under ch. 980 may be filmed or taped if the purpose of the recording is to
16 assess the quality of the treatment activity or to facilitate clinical supervision of the
17 staff involved in the treatment activity.”.

18 ***b1053/2.62*709.** Page 719, line 10: delete lines 10 to 15.

19 ***b1029/P1.1*710.** Page 719, line 20: delete the material beginning with that
20 line and ending with on page 720, line 11.

21 ***b0739/2.180*711.** Page 720, line 12: delete lines 12 to 25.

22 ***b0739/2.181*712.** Page 721, line 1: delete lines 1 to 18.

23 ***b0987/P1.44*713.** Page 722, line 11: delete “490.04” and substitute
24 “16.287”.

1 ***b0785/4.5*714.** Page 722, line 13: delete the material beginning with that
2 line and ending with page 723, line 4, and substitute:

3 “**SECTION 1679d.** 59.58 (6) of the statutes is repealed.

4 **SECTION 1679h.** 59.58 (7) of the statutes, as affected by 2011 Wisconsin Act ...
5 (this act), is repealed.

6 **SECTION 1679p.** 59.58 (7) (e) (intro.) of the statutes is amended to read:

7 59.58 (7) (e) (intro.) The Subject to s. 77.9973 (2), the authority may impose the
8 fees under subch. XIII of ch. 77. From the fees, the authority may do all of the
9 following:

10 **SECTION 1679t.** 59.58 (7) (i) and (j) of the statutes are repealed.”.

11 ***b0825/2.1*715.** Page 723, line 4: after that line insert:

12 “**SECTION 1680m.** 59.605 (6) of the statutes is created to read:

13 59.605 (6) TEMPORARY SUSPENSION OF THE LIMIT. This section does not apply to
14 a county’s levy that is imposed in December 2011 or December 2012.”.

15 ***b0969/2.6*716.** Page 723, line 22: delete the material beginning with that
16 line and ending with page 724, line 5.

17 ***b0960/P5.4*717.** Page 724, line 5: after that line insert:

18 “**SECTION 1684p.** 59.875 of the statutes, as created by 2011 Wisconsin Act 10,
19 is repealed and recreated to read:

20 **59.875 Payment of contributions in an employee retirement system of**
21 **populous counties.** (1) In this section, “county” means any county having a
22 population of 500,000 or more.

23 (2) (a) Beginning on the effective date of this subsection [LRB inserts date],
24 in any employee retirement system of a county, except as otherwise provided in a

1 collective bargaining agreement entered into under subch. IV of ch. 111 and except
2 as provided in par. (b), employees shall pay half of all actuarially required
3 contributions for funding benefits under the retirement system. The employer may
4 not pay on behalf of an employee any of the employee's share of the actuarially
5 required contributions.

6 (b) 1. An employer shall pay, on behalf of a nonrepresented law enforcement or
7 fire fighting managerial employee, who was initially employed by the employer
8 before the effective date of this subdivision [LRB inserts date], the same
9 contributions required by par. (a) that are paid by the employer for represented law
10 enforcement or fire fighting personnel who were initially employed by the employer
11 before the effective date of this subdivision [LRB inserts date].

12 2. An employer shall pay, on behalf of a represented law enforcement or fire
13 fighting employee, who was initially employed by the employer before the effective
14 date of this subdivision [LRB inserts date], and who on or after the effective date
15 of this subdivision [LRB inserts date], became employed in a nonrepresented law
16 enforcement or fire fighting managerial position with the employer, or a successor
17 employer in the event of a combined department that is created on or after the
18 effective date of this subdivision [LRB inserts date], the same contributions
19 required by par. (a) that are paid by the employer for represented law enforcement
20 or fire fighting personnel who were initially employed by the employer before the
21 effective date of this subdivision [LRB inserts date].”.

22 ***b0960/P5.5*718.** Page 734, line 25: after that line insert:

23 “SECTION 1715p. 62.623 of the statutes, as created by 2011 Wisconsin Act 10,
24 is repealed and recreated to read:

1 **62.623 Payment of contributions in an employee retirement system of**
2 **a 1st class city. (1)** Beginning on the effective date of this section [LRB inserts
3 date], in any employee retirement system of a 1st class city, except as otherwise
4 provided in a collective bargaining agreement entered into under subch. IV of ch. 111
5 and except as provided in sub. (2), employees shall pay all employee required
6 contributions for funding benefits under the retirement system. The employer may
7 not pay on behalf of an employee any of the employee's share of the required
8 contributions.

9 **(2) (a)** An employer shall pay, on behalf of a nonrepresented law enforcement
10 or fire fighting managerial employee, who was initially employed by the employer
11 before the effective date of this paragraph [LRB inserts date], the same
12 contributions required by sub. (1) that are paid by the employer for represented law
13 enforcement or fire fighting personnel who were initially employed by the employer
14 before the effective date of this paragraph [LRB inserts date].

15 **(b)** An employer shall pay, on behalf of a represented law enforcement or fire
16 fighting employee, who was initially employed by the employer before the effective
17 date of this paragraph [LRB inserts date], and who on or after the effective date
18 of this paragraph [LRB inserts date], became employed in a nonrepresented law
19 enforcement or fire fighting managerial position with the employer, or a successor
20 employer in the event of a combined department that is created on or after the
21 effective date of this paragraph [LRB inserts date], the same contributions
22 required by sub. (1) that are paid by the employer for represented law enforcement
23 or fire fighting personnel who were initially employed by the employer before the
24 effective date of this paragraph [LRB inserts date].”.

1 ***b1001/1.1*719.** Page 734, line 25: after that line insert:

2 **"SECTION 1715h.** 62.50 (18) of the statutes is renumbered 62.50 (18) (a) and
3 amended to read:

4 62.50 (18) (a) No chief officer of either department or member of the fire
5 department may be deprived of any salary or wages for the period of time suspended
6 preceding an investigation or trial, unless the charge is sustained. No Except as
7 provided in par. (b), no member of the police force may be discharged or suspended
8 under sub. (11) or (13) without pay or benefits until the matter that is the subject of
9 the discharge or suspension is disposed of by the board or the time for appeal under
10 sub. (13) passes without an appeal being made.

11 **SECTION 1715k.** 62.50 (18) (b) of the statutes is created to read:

12 62.50 (18) (b) Following a discharge or suspension under sub. (11) or (13), no
13 member of the police force is entitled to any salary or wages from the department
14 pending an appeal of the discharge or suspension to the board of fire and police
15 commissioners if charges relating to an offense are also pending against the member
16 and such charges arose out of the same conduct or incident that serves as the basis
17 for the discharge or suspension. If the charges against the officer are dismissed, or
18 if the officer is found not guilty of the charges, the officer shall be reinstated and
19 entitled to pay as described in sub. (22).".

20 ***b1053/2.63*720.** Page 735, line 1: delete lines 1 to 4.

~~****Note: Deletion of Miles staff from county classified service~~

21 ***b0720/1.2*721.** Page 735, line 10: delete lines 10 to 16.

22 ***b0963/1.2*722.** Page 736, line 2: after that line insert:

23 **"SECTION 1719d.** 66.0235 (5) of the statutes is amended to read:

1 66.0235 (5) APPORTIONMENT BOARD. The boards or councils of the local
2 governmental units, or committees selected for that purpose, acting together,
3 constitute an apportionment board. When a local governmental unit is dissolved
4 because all of its territory is transferred the board or council of the local
5 governmental unit existing at the time of dissolution shall, for the purpose of this
6 section, continue to exist as the governing body of the local governmental unit until
7 there has been an apportionment of assets by agreement of the interested local
8 governmental units or by an order of the circuit court. After an agreement for
9 apportionment of assets has been entered into between the interested local
10 governmental units, or an order of the circuit court becomes final, a copy of the
11 apportionment agreement, or of the order, certified to by the clerks of the interested
12 local governmental units, shall be filed with the department of revenue, the
13 department of natural resources, the department of transportation, the state
14 superintendent of public instruction, the department of administration, and with
15 any other department or agency of the state from which the town may be entitled by
16 law to receive funds or certifications or orders relating to the distribution or
17 disbursement of funds, with the county treasurer, with the treasurer of any local
18 governmental unit, or with any other entity from which payment would have become
19 due if the dissolved local governmental unit had continued in existence. Subject to
20 ss. 79.006 and 86.303 (4), ~~payments from the shared revenue account made pursuant~~
21 ~~to ch. 79~~, payments of forest crop taxes under s. 77.05, of transportation aids under
22 s. 20.395, of state aids for school purposes under ch. 121, payments for managed
23 forest land under subch. VI of ch. 77 and all payments due from a department or
24 agency of the state, from a county, from a local governmental unit, or from any other
25 entity from which payments would have become due if the dissolved local

1 governmental unit had continued in existence, shall be paid to the interested local
2 governmental unit as provided by the agreement for apportionment of assets or by
3 any order of apportionment by the circuit court and the payments have the same
4 force and effect as if made to the dissolved local governmental unit.”.

5 ***b0739/2.182*723.** Page 736, line 3: delete lines 3 to 18.

6 ***b0785/4.6*724.** Page 736, line 18: after that line insert:

7 **“SECTION 1720m.** 66.0301 (1) (a) of the statutes, as affected by 2011 Wisconsin

8 Act ... (this act), is amended to read:

9 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section

10 “municipality” means the state or any department or agency thereof, the University

11 of Wisconsin-Madison, or any city, village, town, county, school district, public

12 library system, public inland lake protection and rehabilitation district, sanitary

13 district, farm drainage district, metropolitan sewerage district, sewer utility district,

14 solid waste management system created under s. 59.70 (2), local exposition district

15 created under subch. II of ch. 229, local professional baseball park district created

16 under subch. III of ch. 229, local professional football stadium district created under

17 subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229,

18 ~~transit authority created under s. 66.1039~~, long-term care district under s. 46.2895,

19 water utility district, mosquito control district, municipal electric company, county

20 or city transit commission, commission created by contract under this section,

21 taxation district, regional planning commission, housing authority created under s.

22 66.1201, redevelopment authority created under s. 66.1333, community

23 development authority created under s. 66.1335, or city-county health

24 department.”.

1 ***b0806/P1.1*725.** Page 736, line 18: after that line insert:

2 “**SECTION 1720e.** 66.0304 (11) (e) 1. of the statutes is repealed.

3 **SECTION 1720m.** 66.0304 (11) (e) 2. of the statutes is renumbered 66.0304 (11)
4 (e).”.

5 ***b1047/1.1*726.** Page 736, line 18: after that line insert:

6 “**SECTION 1720d.** 66.0304 (1) (b) of the statutes is amended to read:

7 66.0304 (1) (b) “Bond” means any bond, note or other obligation of a commission
8 issued or entered into under this section, including any refunding bond or certificate
9 of participation or lease-purchase, installment sale, or other financing agreement.

10 **SECTION 1720e.** 66.0304 (1) (e) of the statutes is amended to read:

11 66.0304 (1) (e) “Participant” means any public or private entity or
12 unincorporated association, including a federally recognized Indian tribe or band,
13 that contracts with a commission for the purpose of financing or refinancing a project
14 that is owned, sponsored, or controlled by the public or private entity or
15 unincorporated association.

16 **SECTION 1720f.** 66.0304 (1) (f) of the statutes is amended to read:

17 66.0304 (1) (f) “Political subdivision” means any city, village, town, or county
18 in this state or any city, village, town, county, district, office, department, authority,
19 agency, commission, or other similar governmental entity in another state or
20 territory of the United States.

21 **SECTION 1720h.** 66.0304 (4) (i) of the statutes is amended to read:

22 66.0304 (4) (i) Make loans to, lease property from or to, or enter into any other
23 kind of an agreement with a participant or other entity, in connection with financing
24 or refinancing a project.

1 **SECTION 1720i.** 66.0304 (4) (k) of the statutes is amended to read:

2 66.0304 (4) (k) Assign or pledge any portion of its interests in projects,
3 mortgages, deeds of trust, indentures of mortgage or trust, leases, purchase or sale
4 agreements or other financing agreements, or similar instruments, bonds, notes, and
5 security interests in property, of a participant, or contracts entered into or acquired
6 in connection with bonds.

7 **SECTION 1720j.** 66.0304 (4) (p) of the statutes is amended to read:

8 66.0304 (4) (p) Purchase bonds issued by or on behalf of, or held by, any
9 participant, the state or a department, authority, or agency of the state, or any
10 political subdivision. Bonds purchased under this paragraph may be held by the
11 commission or sold, in whole or in part, separately or together with other bonds
12 issued by the commission.

13 **SECTION 1720L.** 66.0304 (5) (am) of the statutes is created to read:

14 66.0304 (5) (am) Notwithstanding par. (a), as an alternative to specifying the
15 matters required to be specified in the bond resolution under par. (a), the resolution
16 may specify members of the board or officers or employees of the commission, by
17 name or position, to whom the commission delegates authority to determine which
18 of the matters under specified par. (a), and any other matters that the commission
19 deems appropriate, for inclusion in the trust agreement, indenture, or other
20 agreement providing for issuance of the bonds as finally executed. A resolution
21 under this paragraph shall specify at least all of the following:

- 22 1. The maximum principal amount of bonds to be issued.
23 2. The maximum term of the bonds.
24 3. The maximum interest rate to be borne by the bonds.

25 **SECTION 1720m.** 66.0304 (5) (d) of the statutes is amended to read:

1 66.0304 (5) (d) The proceeds of a bond issued under this section may be used
2 for ~~a project in one or more projects located within or outside of this state or any other~~
3 state.

4 **SECTION 1720p.** 66.0304 (11) (a) of the statutes is amended to read:

5 66.0304 (11) (a) A commission may not authorize bonds to finance a capital
6 improvement project unless a political subdivision within whose boundaries the
7 project is to be located has approved the financing of the project. A commission may
8 not authorize bonds to finance a capital improvement project in this state unless all
9 of the political subdivisions within whose boundaries the project is to be located has
10 approved the financing of the project. An approval under this paragraph may be
11 made by the governing body of the political subdivision or, if the political subdivision
12 is a 1st class city or a county in which a 1st class city is located, by the highest ranking
13 executive or administrator of the political subdivision.”.

14 ***b0825/2.2*727.** Page 736, line 19: after that line insert:

15 “**SECTION 1721u.** 66.0602 (1) (au) of the statutes is created to read:

16 66.0602 (1) (au) “Municipality” means a city, village, or town.”.

17 ***b0825/2.3*728.** Page 736, line 20: delete lines 20 to 24 and substitute:

18 “**SECTION 1722b.** 66.0602 (1) (d) of the statutes is renumbered 66.0602 (1) (d)
19 (intro.) and amended to read:

20 66.0602 (1) (d) (intro.) “Valuation factor” means a percentage equal to the
21 greater of either ~~3 percent or~~ the percentage change in the political subdivision’s
22 January 1 equalized value due to new construction less improvements removed
23 between the previous year and the current year. or one of the following:

24 **SECTION 1722c.** 66.0602 (1) (d) 1. of the statutes is created to read:

1 66.0602 (1) (d) 1. For the levy that is imposed in December 2011 and December
2 2012, zero percent.

3 **SECTION 1722d.** 66.0602 (1) (d) 2. of the statutes is created to read:

4 66.0602 (1) (d) 2. For the levy that is imposed in December 2013 and in every
5 succeeding December, 1.5 percent.”.

6 ***b0825/2.4*729.** Page 737, line 16: after “subsection” insert “. This
7 subsection does not apply to any political subdivision that does not increase its levy
8 increase limit as allowed under sub. (3) (f) 1”.

9 ***b0825/2.5*730.** Page 737, line 16: after that line insert:

10 “**SECTION 1724d.** 66.0602 (3) (cm) of the statutes is repealed.

11 **SECTION 1724h.** 66.0602 (3) (e) 9. of the statutes is created to read:

12 66.0602 (3) (e) 9. The political subdivision’s share of any refund or rescission
13 determined by the department of revenue and certified under s. 74.41 (5).

14 **SECTION 1724k.** 66.0602 (3) (f) of the statutes is created to read:

15 66.0602 (3) (f) 1. Subject to subd. 3., if a political subdivision’s allowable levy
16 under this section in 2010 was greater than its actual levy in 2010, the levy increase
17 limit otherwise applicable under this section to the political subdivision in 2011 is
18 increased by the difference between these 2 amounts, as determined by the
19 department of revenue, up to a maximum increase of 0.5 percent of the actual levy
20 in 2010.

21 2. Subject to subd. 3., if a political subdivision’s allowable levy under this
22 section in 2011 was greater than its actual levy in 2011, the levy increase limit
23 otherwise applicable under this section to the political subdivision in 2012 is
24 increased by the difference between these 2 amounts, as determined by the

1 department of revenue, up to a maximum increase of 0.5 percent of the actual levy
2 in 2011.

3 3. The adjustment described in subds. 1. and 2. may occur only if the political
4 subdivision's governing body approves of the adjustment by one of the following
5 methods:

6 a. With regard to a city, village, or county, if the governing body consists of at
7 least 5 members, by a three-quarters majority vote of the governing body.

8 b. With regard to a city, village, or county, if the governing body consists of fewer
9 than 5 members, by a two-thirds majority vote of the governing body.

10 c. With a regard to a town, by a majority vote of the annual town meeting, or
11 a special town meeting, if the town board has adopted a resolution approving of the
12 adjustment by a two-thirds majority vote of the town board.

13 4. If a political subdivision's allowable levy under this section in 2012, or any
14 year thereafter, was greater than its actual levy in that year, the levy increase limit
15 otherwise applicable under this section to the political subdivision in the next
16 succeeding year is increased by the difference between the prior year's allowable levy
17 and the prior year's actual levy, as determined by the department of revenue, up to
18 a maximum increase of 0.5 percent of the actual levy in that prior year.

19 **SECTION 1724p.** 66.0602 (3) (j) of the statutes is created to read:

20 66.0602 (3) (j) 1. Subject to subd. 2., if a municipality experiences a shortfall
21 in its general fund due to a loss of revenue received by the municipality from the sale
22 of water or another commodity to a manufacturing facility as a result of the
23 manufacturer discontinuing operations at the facility, the limit otherwise applicable
24 under this section may be increased by the amount that the municipality levies to
25 make up for the revenue shortfall.

1 2. The maximum adjustment claimed under subd. 1. shall equal the revenue
2 received by the municipality from the sale of water or another commodity, as
3 described in subd. 1., in the year prior to the year in which the manufacturing facility
4 closed. A municipality may claim the adjustment in more than one year, except that
5 the sum of all such adjustments may not exceed the revenue loss to the municipality's
6 general fund in the year that the manufacturer discontinues operations at the
7 facility.”.

8 ***b0825/2.6*731.** Page 737, line 17: delete lines 17 to 19 and substitute:

9 **“SECTION 1725c.** 66.0602 (7) of the statutes is repealed.”.

10 ***b0985/2.1*732.** Page 737, line 19: after that line insert:

11 **“SECTION 1725m.** 66.0615 (1m) (d) 7. of the statutes is created to read:

12 66.0615 (1m) (d) 7. Notwithstanding the provisions of subds. 1. and 2., any
13 amount of room tax revenue that a municipality described under s. 77.994 (3) is
14 required to spend on tourism promotion and development shall be forwarded to, and
15 spent by, the municipality's tourism entity, unless the municipality creates a
16 commission and forwards the revenue to the commission.”.

17 ***b0739/2.183*733.** Page 737, line 20: delete the material beginning with that
18 line and ending with page 739, line 24.

19 ***b0785/4.7*734.** Page 739, line 24: after that line insert:

20 **“SECTION 1727m.** 66.0903 (1) (d) of the statutes is amended to read:

21 66.0903 (1) (d) “Local governmental unit” means a political subdivision of this
22 state, a special purpose district in this state, an instrumentality or corporation of
23 such a political subdivision or special purpose district, a combination or subunit of
24 any of the foregoing or an instrumentality of the state and any of the foregoing.

1 ~~“Local governmental unit” includes a regional transit authority created under s.~~
2 ~~66.1039 and the southeastern regional transit authority created under s. 59.58 (7).”.~~

3 ***b0912/5.1*735.** Page 739, line 24: after that line insert:

4 **“SECTION 1727d.** 66.0901 (1) (bm) of the statutes is created to read:

5 66.0901 (1) (bm) “Political subdivision” means a city, village, town, or county.

6 **SECTION 1727e.** 66.0901 (1m) of the statutes is created to read:

7 66.0901 (1m) METHOD OF BIDDING. (a) Except when necessary to secure federal
8 aid, whenever a political subdivision lets a public contract by bidding, the political
9 subdivision shall comply with all of the following:

10 1. The bidding shall be on the basis of sealed competitive bids.

11 2. The contract shall be awarded to the lowest responsible bidder.

12 (b) Except when necessary to secure federal aid, a political subdivision may not
13 use a bidding method that gives preference based on the geographic location of the
14 bidder or that uses criteria other than the lowest responsible bidder in awarding a
15 contract.

16 **SECTION 1727i.** 66.0901 (10) of the statutes is created to read:

17 66.0901 (10) LIMITATION ON PERFORMANCE OF PUBLIC WORKS BY POLITICAL
18 SUBDIVISIONS. (a) In this subsection, “public construction project” means any public
19 construction, public works project, or construction-related services, including road,
20 sewer, water, stormwater, wastewater, recycling, or bridge projects.

21 (b) 1. Notwithstanding ss. 59.52 (29), 60.47, 61.54, 62.15 (1) and (5), 66.0131,
22 66.0301, 83.035, 83.04, and 86.25 and except as provided in subds. 2. and 3., a
23 political subdivision may not use its own workforce to perform a highway

1 improvement project on a highway under its jurisdiction or a highway under the
2 jurisdiction of another political subdivision if any of the following applies:

3 a. The project is funded, entirely or in part, with federal funds and construction
4 commences after July 1, 2013.

5 b. The project is funded, entirely or in part, with state funds, not including
6 general transportation aids provided under s. 86.30, and construction commences
7 after July 1, 2015.

8 c. The project is performed by a county for or with a village or city.

9 2. The provisions of subd. 1. do not apply if any of the following applies:

10 a. The estimated cost of the project is less than \$100,000.

11 b. The project is in response to a public emergency, as formally declared by the
12 chief elected official or governing body of the political subdivision.

13 c. All materials for the project are donated and all of the labor for the project
14 is provided by unpaid volunteers.

15 d. The project is funded with local roads improvement program funds under s.
16 86.31, performed by a county workforce on a town road, and the criteria and rules
17 under s. 86.31 (6) (h) are satisfied.

18 e. The project is performed by a county under an individual project agreement
19 approved prior to the effective date of this subd. 2. e. [LRB inserts date].

20 3. The provisions of subd. 1. do not apply to that portion of a county highway
21 improvement project funded with county trunk highway improvement discretionary
22 grant funds under s. 86.31 (3g) that is performed using county funds.

23 (c) 1. Notwithstanding ss. 59.52 (29), 60.47, 61.54, 62.15 (1) and (5), 66.0131,
24 66.0301, 83.035, 83.04, and 86.25 and except as provided in par. (b) and subd. 2., a

1 political subdivision may not use its own workforce to perform a public construction
2 project for or with another political subdivision.

3 2. The provisions of subd. 1. do not apply if any of the following applies:

4 a. The project is in response to a public emergency, as formally declared by the
5 chief elected official or governing body of the political subdivision.

6 b. All materials for the project are donated and all of the labor for the project
7 is provided by unpaid volunteers.

8 c. The project is pursuant to a public contract that is subject to the exception
9 in s. 60.47 (4).

10 d. The project is performed by a county under an individual project agreement
11 approved prior to the effective date of par. (b) 2. e. [LRB inserts date].

12 e. The project is funded with local roads improvement program funds under s.
13 86.31, performed by a county workforce on a town road, and the criteria and rules
14 under s. 86.31 (6) (h) are satisfied.

15 (d) Notwithstanding sub. (6), a political subdivision may not divide a highway
16 improvement project or public construction project to avoid the requirements of pars.
17 (b) and (c).

18 **SECTION 1727L.** 66.0901 (11) of the statutes is created to read:

19 66.0901 (11) LIMITATION ON PERFORMANCE OF PRIVATE CONSTRUCTION WORK BY
20 POLITICAL SUBDIVISIONS. (a) In this subsection, "construction project" means a road,
21 sewer, water, stormwater, wastewater, grading, parking lot, or other
22 infrastructure-related project or the provision of construction-related services for
23 such a project.

24 (b) A political subdivision may not use its own workforce to perform a
25 construction project for which a private person is financially responsible."

1 ***b1034/2.2*736.** Page 739, line 24: after that line insert:

2 **"SECTION 1727b.** 66.0903 (1) (dr) of the statutes is amended to read:

3 66.0903 (1) (dr) "Minor service or maintenance work" means a project of public
4 works that is limited to minor crack filling, chip or slurry sealing, or other minor
5 pavement patching, not including overlays, that has a projected life span of no longer
6 than 5 years or that is performed for a town and is not funded under s. 86.31,
7 regardless of projected life span; the depositing of gravel on an existing gravel road
8 applied solely to maintain the road; road shoulder maintenance; cleaning of drainage
9 or sewer ditches or structures; or any other limited, minor work on public facilities
10 or equipment that is routinely performed to prevent breakdown or deterioration.

11 **SECTION 1727c.** 66.0903 (1) (em) of the statutes is created to read:

12 66.0903 (1) (em) "Multiple-trade project of public works" has the meaning
13 given in s. 103.49 (1) (br).

14 **SECTION 1727d.** 66.0903 (1) (hm) of the statutes is created to read:

15 66.0903 (1) (hm) "Single-trade project of public works" has the meaning given
16 in s. 103.49 (1) (em).

17 **SECTION 1727e.** 66.0903 (1m) of the statutes is created to read:

18 66.0903 (1m) STATEWIDE CONCERN; UNIFORMITY. (a) In this subsection, "publicly
19 funded private construction project" means a construction project in which the
20 developer, investor, or owner of the project receives direct financial assistance from
21 a local governmental unit for the erection, construction, repair, remodeling,
22 demolition, including any alteration, painting, decorating, or grading, of a private
23 facility, including land, a building, or other infrastructure. "Publicly funded private
24 construction project" does not include a project of public works or a housing project

1 involving the erection, construction, repair, remodeling, or demolition of any of the
2 following:

3 1. A residential property, if the project is supported by affordable housing
4 grants, home improvement grants, or grants from a local housing trust fund.

5 2. A residential property containing 4 dwelling units or less.

6 3. A residential property that contains retail, office, or commercial components,
7 if the project is intended to increase the supply of affordable housing in a community.

8 (b) The legislature finds that the enactment of ordinances or other enactments
9 by local governmental units requiring laborers, workers, mechanics, and truck
10 drivers employed on projects of public works or on publicly funded private
11 construction projects to be paid the prevailing wage rate and to be paid at least 1.5
12 times their hourly basic rate of pay for hours worked in excess of the prevailing hours
13 of labor would be logically inconsistent with, would defeat the purpose of, and would
14 go against the spirit of this section and the repeal of s. 66.0904, 2009 stats. Therefore,
15 this section shall be construed as an enactment of statewide concern for the purpose
16 of providing uniform prevailing wage rate and prevailing hours of labor
17 requirements throughout the state.

18 (c) A local governmental unit may not enact and administer an ordinance or
19 other enactment requiring laborers, workers, mechanics, and truck drivers
20 employed on projects of public works or on publicly funded private construction
21 projects to be paid the prevailing wage rate and to be paid at least 1.5 times their
22 hourly basic rate of pay for hours worked in excess of the prevailing hours of labor
23 or any similar ordinance or enactment. Any such ordinance or other enactment that
24 is in effect on the day before the effective date of this subsection ... [LRB inserts
25 date], is void.

1 **SECTION 1727f.** 66.0903 (2) (c) of the statutes is amended to read:

2 66.0903 (2) (c) A project in which the completed facility is leased, purchased,
3 lease purchased, or otherwise acquired by, or dedicated to, a local governmental unit
4 in lieu of the local governmental unit contracting for the erection, construction,
5 repair, remodeling, or demolition of the facility.

6 **SECTION 1727i.** 66.0903 (3) (av) of the statutes is amended to read:

7 66.0903 (3) (av) In determining prevailing wage rates under par. (am) or (ar),
8 the department may not use data from projects that are subject to this section, s.
9 ~~66.0904~~, 103.49, or 103.50, or 40 USC 3142 unless the department determines that
10 there is insufficient wage data in the area to determine those prevailing wage rates,
11 in which case the department may use data from projects that are subject to this
12 section, s. ~~66.0904~~, 103.49, or 103.50, or 40 USC 3142. In determining prevailing
13 wage rates under par. (am) or (ar), the department may not use data from any
14 construction work that is performed by a local governmental unit or a state agency.

15 **SECTION 1727j.** 66.0903 (3) (dm) of the statutes is amended to read:

16 66.0903 (3) (dm) A reference to the prevailing wage rates determined by the
17 department ~~or a local governmental unit exempted under sub. (6)~~ and to the
18 prevailing hours of labor shall be published in the notice issued for the purpose of
19 securing bids for the project of public works. If any contract or subcontract for a
20 project of public works is entered into, the prevailing wage rates determined by the
21 department ~~or exempted local governmental unit~~ and the prevailing hours of labor
22 shall be physically incorporated into and made a part of the contract or subcontract,
23 except that for a minor subcontract, as determined by the department, the
24 department shall prescribe by rule the method of notifying the minor subcontractor
25 of the prevailing wage rates and prevailing hours of labor applicable to the minor

1 subcontract. The prevailing wage rates and prevailing hours of labor applicable to
2 a contract or subcontract may not be changed during the time that the contract or
3 subcontract is in force. No person performing the work described in sub. (4) may be
4 paid less than the prevailing wage rate in the same or most similar trade or
5 occupation determined under this subsection; nor may he or she be permitted to work
6 a greater number of hours per day or per week than the prevailing hours of labor,
7 unless he or she is paid for all hours worked in excess of the prevailing hours of labor
8 at a rate of at least 1.5 times his or her hourly basic rate of pay.

9 **SECTION 1727k.** 66.0903 (4) (b) (intro.) of the statutes is amended to read:

10 66.0903 (4) (b) (intro.) ~~Notwithstanding par. (a) 1., a~~ A laborer, worker,
11 mechanic, or truck driver who is regularly employed to process, manufacture, pick
12 up, or deliver materials or products from a commercial establishment that has a fixed
13 place of business from which the establishment regularly supplies processed or
14 manufactured materials or products or from a facility that is not dedicated
15 exclusively, or nearly so, to a project of public works that is subject to this section is
16 not entitled to receive the prevailing wage rate determined under sub. (3) or to
17 receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in
18 excess of the prevailing hours of labor unless any of the following applies:

19 **SECTION 1727L.** 66.0903 (4) (b) 1. of the statutes is amended to read:

20 66.0903 (4) (b) 1. The laborer, worker, mechanic, or truck driver is employed
21 to go to the source of mineral aggregate such as sand, gravel, or stone ~~that is to be~~
22 ~~immediately incorporated into the work, and not stockpiled or further transported~~
23 ~~by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the~~
24 site of a project of public works that is subject to this section by depositing the

1 material ~~substantially in place~~, directly in final place, from the transporting vehicle
2 or through spreaders from the transporting vehicle.

3 **SECTION 1727n.** 66.0903 (5) (a) of the statutes is amended to read:

4 66.0903 (5) (a) A single-trade project of public works for which the estimated
5 project cost of completion is ~~below \$25,000 less than \$48,000, a multiple-trade~~
6 project of public works for which the estimated project cost of completion is less than
7 \$100,000, or, in the case of a multiple-trade project of public works erected,
8 constructed, repaired, remodeled, or demolished by a private contractor for a city or
9 village having a population of less than 2,500 or for a town, a multiple-trade project
10 of public works for which the estimated project cost of completion is less than
11 \$234,000.

12 **SECTION 1727p.** 66.0903 (5) (b) of the statutes is amended to read:

13 66.0903 (5) (b) ~~A~~ Work performed on a project of public works in which the
14 labor for the project is provided by unpaid volunteers for which the local
15 governmental unit contracting for the project is not required to compensate any
16 contractor, subcontractor, contractor's or subcontractor's agent, or individual for
17 performing the work.

18 **SECTION 1727q.** 66.0903 (5) (f) of the statutes is created to read:

19 66.0903 (5) (f) A project of public works involving the erection, construction,
20 repair, remodeling, or demolition of a residential property containing 2 dwelling
21 units or less.

22 **SECTION 1727r.** 66.0903 (5) (g) of the statutes is created to read:

23 66.0903 (5) (g) A road, street, bridge, sanitary sewer, or water main project that
24 is a part of a development in which not less than 90 percent of the lots contain or will
25 contain 2 dwelling units or less, as determined by the local governmental unit at the

1 time of approval of the development, and that, on completion, is acquired by, or
2 dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership
3 or maintenance by the local governmental unit.

4 **SECTION 1727rm.** 66.0903 (6) of the statutes is repealed.

5 **SECTION 1727s.** 66.0903 (8) of the statutes is amended to read:

6 66.0903 (8) POSTING. For the information of the employees working on the
7 project of public works, the prevailing wage rates determined by the department or
8 exempted local governmental unit, the prevailing hours of labor, and the provisions
9 of subs. (10) (a) and (11) (a) shall be kept posted by the local governmental unit in at
10 least one conspicuous and easily accessible place on the site of the project or, if there
11 is no common site on the project, at the place normally used by the local
12 governmental unit to post public notices.

13 **SECTION 1727t.** 66.0903 (10) (am) of the statutes is repealed.

14 **SECTION 1727u.** 66.0903 (10) (c) of the statutes is amended to read:

15 66.0903 (10) (c) If requested by any person, the department shall inspect the
16 payroll records of any contractor, subcontractor, or agent performing work on a
17 project of public works that is subject to this section as provided in this paragraph
18 to ensure compliance with this section. ~~In the case of a request made by a person~~
19 ~~performing the work specified in sub. (4), if the department finds that the contractor,~~
20 ~~subcontractor, or agent subject to the inspection is in compliance and that the request~~
21 ~~is frivolous, the department shall charge the person making the request the actual~~
22 ~~cost of the inspection. In the case of a request made by a person not performing the~~
23 ~~work specified in sub. (4), if the department finds that the contractor, subcontractor,~~
24 ~~or agent subject to the inspection is in compliance and that the request is frivolous,~~
25 ~~the department shall charge the person making the request \$250 or the actual cost~~

1 ~~of the inspection, whichever is greater. In order to find that a request is frivolous,~~
2 ~~the department must find that the person making the request made the request in~~
3 ~~bad faith, solely for the purpose of harassing or maliciously injuring the contractor,~~
4 ~~subcontractor, or agent subject to the inspection, or that the person making the~~
5 ~~request knew, or should have known, that there was no reasonable basis for believing~~
6 ~~that a violation of this section had been committed. On receipt of such a request, the~~
7 department shall request the contractor, subcontractor, or agent to submit to the
8 department a certified record of the information specified in par. (a), other than
9 personally identifiable information relating to an employee of the contractor,
10 subcontractor, or agent, for no longer than a 4-week period. The department may
11 request a contractor, subcontractor, or agent to submit those records no more than
12 once per calendar quarter for each project of public works on which the contractor,
13 subcontractor, or agent is performing work. The department may not charge a
14 requester a fee for obtaining that information. The department shall make available
15 for public inspection certified records submitted to the department under this
16 paragraph.

17 **SECTION 1727x.** 66.0903 (12) (a) of the statutes is amended to read:

18 66.0903 (12) (a) Except as provided under pars. (b) and (c), the department
19 shall notify any local governmental unit applying for a determination under sub. (3)
20 ~~and any local governmental unit exempted under sub. (6)~~ of the names of all persons
21 whom the department has found to have failed to pay the prevailing wage rate
22 determined under sub. (3) or has found to have paid less than 1.5 times the hourly
23 basic rate of pay for all hours worked in excess of the prevailing hours of labor at any
24 time in the preceding 3 years. The department shall include with each name the
25 address of the person and shall specify when the person failed to pay the prevailing

1 wage rate and when the person paid less than 1.5 times the hourly basic rate of pay
2 for all hours worked in excess of the prevailing hours of labor. A local governmental
3 unit may not award any contract to the person unless otherwise recommended by the
4 department or unless 3 years have elapsed from the date the department issued its
5 findings or the date of final determination by a court of competent jurisdiction,
6 whichever is later.

7 **SECTION 1727y.** 66.0904 of the statutes is repealed.”.

8 ***b0785/4.8*737.** Page 740, line 5: delete the material beginning with that
9 line and ending with page 741, line 3, and substitute:

10 “**SECTION 1729g.** 66.1039 of the statutes, as affected by 2011 Wisconsin Act
11 (this act), is repealed.

12 **SECTION 1729r.** 66.1039 (4) (s) 1. of the statutes is amended to read:

13 66.1039 (4) (s) 1. Impose, by the adoption of a resolution by the board of
14 directors, the taxes under subch. V of ch. 77 in the authority’s jurisdictional area,
15 except that no taxes may be imposed under this paragraph unless the resolution of
16 the board of directors is adopted prior to the effective date of this subdivision [LRB
17 inserts date]. If an authority adopts a resolution to impose the taxes, it shall deliver
18 a certified copy of the resolution to the department of revenue at least 120 days before
19 its effective date. The authority may, by adoption of a resolution by the board of
20 directors, repeal the imposition of taxes under subch. V of ch. 77 and shall deliver a
21 certified copy of the repeal resolution to the department of revenue at least 120 days
22 before its effective date.”.

23 ***b0986/3.1*738.** Page 743, line 10: after that line insert:

24 “**SECTION 1740g.** 66.1105 (4) (gm) 4. c. of the statutes is amended to read:

1 66.1105 (4) (gm) 4. c. Except as provided in subs. (10) (c), (16) (d), and (17), the
2 equalized value of taxable property of the district plus the value increment of all
3 existing districts does not exceed 12 percent of the total equalized value of taxable
4 property within the city. In determining the equalized value of taxable property
5 under this subd. 4. c., the department of revenue shall base its calculations on the
6 most recent equalized value of taxable property of the district that is reported under
7 s. 70.57 (1m) before the date on which the resolution under this paragraph is
8 adopted. If the department of revenue determines that a local legislative body
9 exceeds the 12 percent limit described in this subd. 4. c., the department shall notify
10 the city of its noncompliance, in writing, not later than December 31 of the year in
11 which the department receives the completed application or amendment forms
12 described in sub. (5) (b).

13 **SECTION 1740k.** 66.1105 (6) (a) (intro.) of the statutes is amended to read:

14 66.1105 (6) (a) (intro.) If the joint review board approves the creation of the tax
15 incremental district under sub. (4m), and subject to par. (ae), positive tax increments
16 with respect to a tax incremental district are allocated to the city which created the
17 district or, in the case of a city or village that annexes or attaches a district created
18 under sub. (16), to the annexing or attaching city or village, for each year
19 commencing after the date when a project plan is adopted under sub. (4) (g). The
20 department of revenue may not authorize allocation of tax increments until it
21 determines from timely evidence submitted by the city that each of the procedures
22 and documents required under sub. (4) (d) to (f) has been completed and all related
23 notices given in a timely manner. The department of revenue may authorize
24 allocation of tax increments for any tax incremental district only if the city clerk and
25 assessor annually submit to the department all required information on or before the

1 2nd Monday in June. The facts supporting any document adopted or action taken
2 to comply with sub. (4) (d) to (f) are not subject to review by the department of revenue
3 under this paragraph. After the allocation of tax increments is authorized, the
4 department of revenue shall annually authorize allocation of the tax increment to
5 the city that created the district until the soonest of the following events.”.

6 ***b0997/2.1*739.** Page 743, line 10: after that line insert:

7 “**SECTION 1740i.** 66.1105 (5) (bt) of the statutes is created to read:

8 66.1105 (5) (bt) If the city of New Lisbon amends, or attempts to amend, the
9 project plan of Tax Incremental District Number 12 on January 1, 2012, based on
10 actions taken by the common council between July 1, 2011, and December 31, 2011,
11 the tax incremental base of the district shall be redetermined by the department of
12 revenue as if the district’s project plan had been amended on January 1, 2012, except
13 that the department of revenue may not certify a value increment under par. (b), that
14 reflects the amendment to the district’s plan, before 2012. In addition, the time limits
15 specified for the city clerk in par. (b), and the provisions relating to the 12 percent
16 limit findings requirement under sub. (4) (gm) 4. c., do not apply to an amendment
17 to the project plan of Tax Incremental District Number 12 in the city of New Lisbon.”.

18 ***b0986/3.2*740.** Page 743, line 11: after that line insert:

19 “**SECTION 1741e.** 66.1105 (16) (a) 1. of the statutes is amended to read:

20 66.1105 (16) (a) 1. The town enters into a cooperative plan with a city or village,
21 under s. 66.0307, under which part or all of the town will be annexed or attached by
22 the city or village in the future.

23 **SECTION 1741ec.** 66.1105 (16) (a) 2. of the statutes is amended to read:

1 66.1105 (16) (a) 2. The city or village into which the town territory will be
2 annexed or attached adopts a resolution approving the creation of the tax
3 incremental district.

4 **SECTION 1741ee.** 66.1105 (16) (a) 3. of the statutes is amended to read:

5 66.1105 (16) (a) 3. The tax incremental district is located solely within territory
6 that is to be annexed or attached by a city or village as described under subd. 1.

7 **SECTION 1741ej.** 66.1105 (16) (c) of the statutes is created to read:

8 66.1105 (16) (c) If a district created under this subsection is annexed or
9 attached by a city or village it shall be administered by that city or village, and all
10 of the following apply to the district as if it were created by that city or village:

11 1. The lifespan of the district and the allocation of tax increments under sub.

12 (6).

13 2. Except as provided in par. (e), the date on which the district terminates under
14 sub. (7).

15 3. The creation date of the district by the town.

16 4. The project plan of the district.

17 5. The procedures to amend the district's project plan under sub. (4) (h).

18 6. The procedures to extend the life of the district under sub. (7) (am).

19 **SECTION 1741em.** 66.1105 (16) (d) of the statutes is created to read:

20 66.1105 (16) (d) The department of revenue may not include the equalized
21 value of taxable property of a district created under this subsection when applying
22 the 12 percent limit findings requirement under sub. (4) (gm) 4. c. to a city or village
23 which annexes or attaches such a district.

24 **SECTION 1741ep.** 66.1105 (16) (e) of the statutes is created to read:

1 66.1105 (16) (e) If a city or village annexes or attaches a district created under
2 this subsection before the last day on which the cooperative plan entered into under
3 s. 66.0307 allows a boundary change, the district shall remain in existence at least
4 through December 31 of the last calendar year of the period during which a boundary
5 change could have occurred, notwithstanding sub. (7). The annexing or attaching
6 city or village is responsible for all contracts, agreements, and obligations of the town
7 related to the district.

8 **SECTION 1741es.** 66.1105 (16) (f) of the statutes is created to read:

9 66.1105 (16) (f) 1. Except as provided in subd. 2., if a city or village is in the
10 process of annexing or attaching a district created under this subsection, but has not
11 completed the process, the city or village may enter into a contract or agreement
12 related to the district, with any person, or may assume an obligation of the district,
13 and the town would continue to receive any tax increments for which it is eligible
14 until the annexation or attachment process is complete.

15 2. A contract, agreement, or obligation, as described under subd. 1., does not
16 apply and may not be enforced until the annexation or attachment process is
17 complete and the city or village begins to receive tax increments associated with the
18 district.”.

19 ***b0785/4.9*741.** Page 743, line 24: after that line insert:

20 **“SECTION 1745m.** 67.01 (5) of the statutes is amended to read:

21 67.01 (5) “Municipality” means any of the following which is authorized to levy
22 a tax: a county, city, village, town, school district, board of park commissioners,
23 technical college district, metropolitan sewerage district created under ss. 200.01 to
24 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit

1 ~~authority created under s. 66.1039~~, public inland lake protection and rehabilitation
2 district established under s. 33.23, 33.235, or 33.24, and any other public body
3 empowered to borrow money and issue obligations to repay the money out of public
4 funds or revenues. "Municipality" does not include the state."

5 ***b0785/4.10*742.** Page 744, line 11: after that line insert:

6 **"SECTION 1747r.** 70.11 (2) of the statutes is amended to read:

7 **70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.**

8 Property owned by any county, city, village, town, school district, technical college
9 district, public inland lake protection and rehabilitation district, metropolitan
10 sewerage district, municipal water district created under s. 198.22, joint local water
11 authority created under s. 66.0823, ~~transit authority created under s. 59.58 (7) or~~
12 ~~66.1039~~, long-term care district under s. 46.2895 or town sanitary district; lands
13 belonging to cities of any other state used for public parks; land tax-deeded to any
14 county or city before January 2; but any residence located upon property owned by
15 the county for park purposes that is rented out by the county for a nonpark purpose
16 shall not be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d),
17 this exemption shall not apply to land conveyed after August 17, 1961, to any such
18 governmental unit or for its benefit while the grantor or others for his or her benefit
19 are permitted to occupy the land or part thereof in consideration for the conveyance.
20 Leasing the property exempt under this subsection, regardless of the lessee and the
21 use of the leasehold income, does not render that property taxable."

22 ***b0819/1.1*743.** Page 744, line 11: after that line insert:

23 **"SECTION 1747n.** 70.11 (intro.) of the statutes is amended to read: